



FREQUENTLY ASKED QUESTIONS REGARDING THE CLAIMS PROCESS

1) Where do I get a Government Tort Claim form?

You can obtain a Del Mar Claim for Damages Form by: 1) downloading it from the City's website at www.delmar.ca.us; or 2) you can pick up a claim form directly from the City of Del Mar, located at 1050 Camino Del Mar, Del Mar, CA. 92014; or 3) you can request a claim form be emailed or mailed to you by calling (858) 375-9560.

2) Does it cost me anything to file a claim?

No. The City does not charge a fee to file a claim.

3) How long do I have to file a claim?

Most claims must be submitted to the City Clerk within six months of the time the event or incident giving rise to the injury, loss or damage occurred. However, certain types of claims may be filed within one year of the date of the event or incident. Additionally, the Government Code provides for other exceptions to the general six-month period. If you aren't sure if you fall within one of the exceptions, you should contact an attorney. City staff members are prohibited from providing legal advice.

4) What information may I send with my claim form?

You may provide any information you believe will support your claim. For example, claims are often submitted along with photographs, receipts, estimates or diagrams. Please keep copies of any documents you submit because the City will not return any documents to you.

5) Can I fax or email the completed claim form to the City, instead of mailing or dropping it off?

The City does not accept claims submitted by email or facsimile. The City only accepts properly completed claims that are either: (1) personally delivered to the City of Del Mar, to the City Clerk's attention; or (2) mailed to the City of Del Mar, to the City Clerk's attention. The claimant's original signature must appear on the claim form.

6) What happens to the claim after I submit it?

Once submitted, your claim is forwarded to the City's Risk Management team for review and further investigation. Depending on the facts or nature of the incident, most claims are processed within 45-days pursuant to the Government Code. You will be contacted if the City has questions regarding your claim. Based on the facts of the incident, the City will determine whether to approve, compromise, or deny the claim. The City's final decision will be mailed to the address listed on the claim submitted to the City.

7) What happens if my claim is denied?

As required by the Government Code, the City provides all claimants (whose claims have been denied) a standard, written response outlining a claimant's legal remedies.

8) Is the City responsible for claims that happen while riding a public bus or train?

No, the Breeze, Coaster, and Pacific Surfliner are not within the City's jurisdiction. You will need to file a claim with the responsibility entity should an incident occur that gives rise to a claim.

The Breeze and Coaster are under the jurisdiction of the North County Transit District (NCTD). To file a claim against the NCTD, please contact their information telephone line at (760) 966-6500.

The Pacific Surfliner is under the jurisdiction of Amtrak. To file a claim against Amtrak, please contact their Customer Service line at (800) 872-7245.

9) Is the City responsible for claims that happen at the Del Mar Fairgrounds (2260 Jimmy Durante Boulevard)?

No, the Del Mar Fairgrounds is under the jurisdiction of the State of California. Should an incident occur at the Fairgrounds that give rise to a claim, you will need to file a claim with the Fairgrounds. Please contact their Administrative Office at (858) 755-1161 for more information.

10) What are the city limits of the City of Del Mar?

Please refer to the City of Del Mar map, which identifies the city limits, located on the City's website at: <http://www.delmar.ca.us/168/Maps-Zoning>